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Registration No. 29,313

August 11, 2000

DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : B. CHILDRESS et al.

Group Art Unit: 1761

Serial No.: Continued Prosecution Application
Of Serial No. 08/354,177

Examiner: Lien Tran

Filing Date: April 5, 2000

Docket No.: 41933-01

Title: PATCH BAG COMPRISING HOMOGENEOUS
ETHYLENE/ALPHA-OLEFIN COPOLYMER

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. 1.97(B)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document listed on the attached PTO 1449. This Information Disclosure Statement is being concurrently filed with the filing of the above-referenced Continued Prosecution Application (CPA).

The document listed in this Information Disclosure Statement, U.S. Patent No. 4,765,857, was cited by a third party in a protest filed against the Canadian counterpart of this application. U.S. Patent No. 4,765,857 is a divisional of U.S. Application No. 740,360, filed June 3, 1985, and therefore contains a specification cumulative to the specifications in previously cited U.S. Patent

Nos. 4,755,403 and 4,770,731, which are also divisional applications based on U.S. Application No. 740,360. U.S. Patent Nos. 4,755,403 and 4,770,731 were previously cited in the Information Disclosure Statement filed June 3, 1996, in this application.

Also cited by the third party were European Patent Publication Nos. EP 597 502 and EP 600 425, both of which were previously cited in the Information Disclosure Statement filed October 9, 1998, in this application. EP 597 502 is a foreign counterpart of U.S. Patent Application No. 976,122, filed November 13, 1992. EP 600 425 claims the priority of U.S. Patent Application No. 124,179, filed September 20, 1993, which issued as U.S. Patent No. 5,604,043 on February 18, 1997.

U.S. Patent No. 5,604,043 and U.S. Patent Application No. 976,122 were commonly owned with this application or subject to an obligation of assignment to the same assignee at the time the subject matter claimed in this application was made. As a result of the concurrent filing of the above-referenced CPA, U.S. Patent No. 5,604,043 and any patent issuing from U.S. Patent Application No. 976,122, are not available as prior art under 35 U.S.C. § 102(e) to preclude patentability of the present invention with respect to 35 U.S.C. § 103(c).

A copy of the listed document is attached. Applicants respectfully request that the Examiner consider the listed document and indicate that it was considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If the Examiner applies the document as prior art against any claim in the application and Applicants determine that the cited document does not constitute "prior art" under United States

law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Information Disclosure Statement, please charge the fee to our Deposit Account No. 07-1765.

Respectfully submitted,



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August 11, 2000